

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**IN RE: YASMIN AND YAZ (DROSPIRENONE)
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION**

)
) **3:09-md-02100-DRH-PMF**
)
) **MDL No. 2100**
)

This Document Relates to:

*Fiona Booker, et al. v. Bayer HealthCare
Pharmaceuticals Inc., et al.*¹

No. 3:14-cv-10253-DRH-PMF

*Elizabeth Juarez, et al. v. Bayer HealthCare
Pharmaceuticals Inc., et al.*²

No. 3:14-cv-10187-DRH-PMF

*Patti LeBlanc, et al. v. Bayer HealthCare
Pharmaceuticals Inc., et al.*³

No. 3:14-cv-10179-DRH-PMF

*Denise Levine, et al. v. Bayer HealthCare
Pharmaceuticals Inc., et al.*⁴

No. 3:14-cv-10186-DRH-PMF

*Debbie Ruth Moore, et al. v. Bayer HealthCare
Pharmaceuticals Inc., et al.*⁵

No. 3:14-cv-10180-DRH-PMF

*Rene Lynn Torres, et al. v. Bayer HealthCare
Pharmaceuticals Inc., et al.*⁶

No. 3:14-cv-10181-DRH-PMF

ORDER OF DISMISSAL WITHOUT PREJUDICE
(Failure To Comply With PFS Obligations)

HERNDON, District Judge:

This matter is before the Court on the defendant's (Bayer HealthCare Pharmaceuticals Inc.) motion, pursuant to Case Management Order 12 ("CMO

¹ This Order applies to Plaintiffs Fiona Booker and Donna Davern only.

² This Order applies to all Plaintiffs David Griffith (Celeste Griffith), Elizabeth Juarez, Michelle Kobylanski, and Tracie Pursche.

³ This Order applies to Plaintiffs Christina Ann Thomas and Kellen Vasquez only.

⁴ This Order applies to Plaintiffs Deon Abram and Audrey Uzzel only.

⁵ This Order applies to Plaintiff Devin Taylor only.

⁶ This Order applies to Plaintiff Rene Lynn Torres only.

12”)⁷ for an order of dismissal, without prejudice, of the plaintiffs’ claims in the above captioned cases for failure to comply with Plaintiff Fact Sheet (“PFS”) obligations.

Under Section C of CMO 12, each plaintiff is required to serve defendants with a completed PFS, including a signed declaration, executed record release authorizations, and copies of all documents subject to the requests for production contained in the PFS which are in the possession of plaintiff. Section B of CMO 12 further provides that a completed PFS is due “45 days from the date of service of the first answer to her Complaint or the docketing of her case in this MDL, or 45 days from the date of this Order, whichever is later.”

Accordingly, the plaintiffs in the above-captioned matters were to have served completed PFSs in January 2015. Notice of Overdue Discovery was sent on February 13, 2015. As of the filing of Bayer’s motion to dismiss, Bayer still had not received completed PFS materials from the plaintiffs in the above-captioned matters.

Under Section E of CMO 12, the **plaintiffs were given 14 days from the date of Bayer’s motion** to file a response either certifying that they served upon defendants and defendants received a completed PFS, and attaching appropriate documentation of receipt or an opposition to defendant’s motion.

To date, none of the plaintiffs in the above captioned member actions has filed a response. Because the plaintiffs have failed to respond to Bayer’s

⁷ The parties negotiated and agreed to CMO 12, which expressly provides that the discovery required of plaintiffs is not objectionable. CMO 12 § A(2).

allegations, the Court finds that these plaintiffs have failed to comply with their PFS obligations under CMO 12. **Accordingly, the claims of the subject plaintiffs are dismissed without prejudice. The dockets will be revised accordingly.**

FURTHER, as the motion to dismiss filed in *Elizabeth Juarez, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.* No. 3:14-cv-10187-DRH-PMF relates to **all** plaintiffs, that matter is dismissed in its entirety.

FURTHER, the Court reminds plaintiffs that, pursuant to CMO 12 Section E, **unless plaintiffs serve the defendants with a COMPLETED PFS or move to vacate the dismissal without prejudice within 60 days after entry of this Order, the Order will be converted to a Dismissal With Prejudice upon defendants' motion.**

IT IS SO ORDERED.

Signed this 4th day of May, 2015.

David R. Herndon



Digitally signed by
David R. Herndon
Date: 2015.05.04
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United States District Court